

1 and when to read the entire text of the message. Emergency or personal messages
2 may take precedence over commercial messages. Similarly, work-related messages
3 may take precedence over commercial messages.

4
5 4.4 Defendant's unsolicited electronic mail messages contain numerous misleading
6 SUBJECT fields. The 133 SUBJECT fields in Defendant's electronic mail messages
7 are:

- 8
- 9 1. Subject: PLATINUM CREDIT CARD - APPLY NOW
- 10 2. Subject: Get a \$7500 Platinum Card regardless of credit history.
- 11 3. Subject: Get A Platinum Card Now
- 12 4. Subject: ----- Guaranteed* Platinum! -----
- 13 5. Subject: \$5000 Unsecured Gold Card
- 14 6. Subject: \$600 Unsecured Gold Card *You* Qualify for a GOLD Card
- 15 7. Subject: \$6000 Unsecured Gold Card
- 16 8. Subject: \$7500 Platinum Card ...Get One Now
- 17 9. Subject: \$7500 Platinum Plus Card - Get 1 Now
- 18 10. Subject: \$7500 Unsecured Platinum Card
- 19 11. Subject: \$7500 Unsecured Platinum Card, Guaranteed
- 20 12. Subject: ***Establish your credit with Gold!***
- 21 13. Subject: ***Establish your credit with Platinum***
- 22 14. Subject: ***Get a \$7500 Unsecured Platinum Card***
- 23 15. Subject: ~~~~ Guaranteed* Platinum! ~~~~
- 24 16. Subject: <<<<< Guaranteed* Platinum >>>>>
- 25 17. Subject: ===Guaranteed* Platinum!===

- 1 18.Subject: >>>>>> Guaranteed* Platinum >>>>>
- 2 19.Subject: 7500 unsecured card
- 3 20.Subject: 7500 Unsecured Platinum Card
- 4 21.Subject: Approval letter for you, Sum approved [\$6000]
- 5 22.Subject: Believe it or not, you've got Platinum offer.
- 6 23.Subject: Claim an Approved \$7500 Platinum Card
- 7 24.Subject: Congrats JAMILA! Your \$7,500 Credit Limit is Approved!
- 8 25.Subject: Congrats! \$7,500 Credit Limit is Approved Faye!
- 9 26.Subject: Congrats! \$7,500 Credit Limit is Approved James!
- 10 27.Subject: Congrats! \$7,500 Credit Limit is Approved JAMILA!
- 11 28.Subject: Congrats! \$7,500 Credit Limit is Approved JAY!
- 12 29.Subject: Congrats! \$7,500 Credit Limit is Approved JONATHAN!
- 13 30.Subject: Congrats! You Can Get a \$7500 Platinum Card!
- 14 31.Subject: Congrats! Your \$7,500 Credit Limit is Approved Faye!
- 15 32.Subject: Congrats! Your \$7,500 Credit Limit is Approved James!
- 16 33.Subject: Congrats! Your \$7,500 Credit Limit is Approved JAMILA!
- 17 34.Subject: Congrats! Your \$7,500 Credit Limit is Approved JAY!
- 18 35.Subject: Congrats! Your \$7,500 Credit Limit is Approved JONATHAN!
- 19 36.Subject: Congrats! Your Approved For a \$7500 Platinum Card!
- 20 37.Subject: Congratulations Your \$7500 Platinum Card is Guaranteed!
- 21 38.Subject: Congratulations! Your \$7500 Platinum Card is Guaranteed!
- 22 39.Subject: Congratulations! Your \$7500 Platinum Card is Guaranteed! 1522
- 23 40.Subject: Congratulations! Your \$7500 Platinum Card is Guaranteed! 9923
- 24 41.Subject: Congratulations! Your \$7500 Platinum Card is Guaranteed*
- 25

1 42.Subject: Congratulations! Your \$7500 Platinum Card is Guaranteed*

2 10/07/03

3 43.Subject: Congratulations! Your \$7500.00 Platinum Card is Guaranteed*

4 44.Subject: Establish your credit with Platinum

5 45.Subject: Faye, get a \$7500 Platinum Card now

6 46.Subject: Faye, having trouble getting a credit card?

7 47.Subject: Faye, looking for a gold card

8 48.Subject: Faye, looking for a platinum card

9 49.Subject: Friend, having trouble getting a credit card?

10 50.Subject: Friend, looking for a platinum card

11 51.Subject: Get a \$6000.00 Unsecured Gold Credit Line!

12 52.Subject: Get a \$7500 Platinum Card for Holiday Shopping!

13 53.Subject: Get a \$7500 Platinum Card for your Christmas shopping

14 54.Subject: Get a \$7500 Platinum Card Now

15 55.Subject: Get a \$7500 Platinum Card regardless of credit history

16 56.Subject: Get a \$7500 Platinum Card regardless of credit history !

17 57.Subject: Get a \$7500 Platinum Card regardless of credit history ~

18 58.Subject: Get a \$7500 Unsecured Platinum Card

19 59.Subject: Get a \$7500 Unsecured USA Net Platinum Card... No Credit Checks

20 60.Subject: Get a 7500 Dollar Unsecured Platinum Card

21 61.Subject: Get an Unsecured Gold Card... No Credit Checks

22 62.Subject: Get an Unsecured Platinum .. No Credit Checks

23 63.Subject: Get an Unsecured Platinum Card.. No Credit Checks

24 64.Subject: Get an Unsecured Platinum Plus Card.. no Credit Checks

25 65.Subject: Get an Unsecured Platinum Plus Card..no check on your history

- 1 66. Subject: Get the credit you deserve
- 2 67. Subject: Guaranteed 7500 credit card to anyone
- 3 68. Subject: Guaranteed Approval
- 4 69. Subject: Guaranteed* \$7500 Credit Line
- 5 70. Subject: Guaranteed* Gold Card!
- 6 71. Subject: Guaranteed* Platinum!
- 7 72. Subject: Guaranteed* Platinum! (\$7500 Unsecured Platinum Card)
- 8 73. Subject: Immediate Response Needed
- 9 74. Subject: Is this a mistake? You have got Platinum status.
- 10 75. Subject: JAMES your pre-apprv line is \$2500. Well done!
- 11 76. Subject: JAMES, get a \$7500 Platinum Card now
- 12 77. Subject: James, Get a \$7500 Platinum Card regardless of credit
- 13 78. Subject: James, having trouble getting a credit card?
- 14 79. Subject: James, looking for a gold card
- 15 80. Subject: James, looking for a platinum card
- 16 81. Subject: Make\$6,000 Unsecured card
- 17 82. Subject: MSM - PRE-SHIPPING REPORT
- 18 83. Subject: MSM, You are Pre-approved* for a \$5,000 Gold Card
- 19 84. Subject: MSM, You may be eligible for \$7500 Credit
- 20 85. Subject: Need a new card?
- 21 86. Subject: Need credit?
- 22 87. Subject: Platinum Approval
- 23 88. Subject: PLATINUM CREDIT CARD - APPLY NOW
- 24 89. Subject: RE: Got Gold?
- 25 90. Subject: Receive a \$7500 Unsecured Platinum

- 1 91.Subject: Search complete. Total credit pre-approved for
- 2 JONATHAN@GORDONWORKS.COM- \$7500
- 3 92.Subject: Unsecured 7500 unsecured card
- 4 93.Subject: USA Platinum Card. Guaranteed Online Approval
- 5 94.Subject: Wanna' get approved for a platinum Card
- 6 95.Subject: We'll show you how to get top of the line credit
- 7 96.Subject: What's better than a GOLD card?
- 8 97.Subject: You are approved for \$6000 in credit!
- 9 98.Subject: You are Pre-approved* for a \$5,000 Gold Card
- 10 99.Subject: You are Pre-approved* for a 5,000 dollar Gold Card
- 11 100. Subject: You Have \$7500 Approved - Start using this credit now!
- 12 101. Subject: You have one card waiting
- 13 102. Subject: You May Be Approved For A \$7500 Platinum Card
- 14 103. Subject: You may be eligible for \$7500 Credit
- 15 104. Subject: You qualify for a Gold Card
- 16 105. Subject: You* Qualify for a Gold Card
- 17 106. Subject: You* Qualify for a GOLD Card * \$600 Unsecured Gold Card
- 18 107. Subject: You* Qualify for a GOLD Card. No Credit Checks!
- 19 108. Subject: You* Qualify for a Platinum Card
- 20 109. Subject: You* Qualify for a Platinum Card *\$7500 Unsecured
- 21 Platinum Card
- 22 110. Subject: You* Qualify for a G O L D Card ! (*Establish your credit
- 23 with Gold!*)
- 24 111. Subject: Your \$7500 credit line has been approved
- 25 112. Subject: Your \$7500 Credit Was Approved

- 1 113. Subject: Your \$7500 Platinum Card is Guaranteed*
- 2 114. Subject: Your \$7500 Unsecured Credit was Approved
- 3 115. Subject: Your 7500 dollar Platinum Card is Guaranteed
- 4 116. Subject: Your 7500 dollar Platinum Card is Guaranteed
- 5 117. Subject: Your Application for a \$7500 Platinum Card May Have Been
- 6 Approved!
- 7 118. Subject: Your credit may already be better than you think
- 8 119. Subject: Your credit record may exceed Gold status
- 9 120. Subject: Your new \$7500 credit line
- 10 121. Subject: Your new Platinum credit card
- 11 122. Subject: Your new Platinum credit card is ready
- 12 123. Subject: Your New Pre-approved* \$5,000 Credit Card
- 13 124. Subject: Your Platinum Card
- 14 125. Subject: Your Platinum Credit Card (\$7,500.00)
- 15 126. Subject: You're approved for \$6000 in credit
- 16 127. Subject: You're Invited To Apply For a Platinu Card!
- 17 128. Subject: You're Invited To Apply For a Platinum Card!
- 18 129. Subject: You're Preapproved* for a 7,500 dollar Platinum Card
- 19 130. Subject: Approval for your new \$2,500 credit card is just a click away!
- 20 131. Subject: You Have One Card Waiting!
- 21 132. Subject: Your Platinum Credit Card is Approved
- 22 133. Subject: Your Platinum Credit Card is Approved
- 23

24 Defendant's 133 SUBJECTs are intended to make Plaintiff believe Defendant's

25 product is an offering from a major credit card company. Rather than being a major

1 credit card, Defendant's offer is for its limited buying club. Defendant's electronic
2 mail messages are advertisements featuring its buying club and the cards that are
3 required to buy its products.

4
5 4.5 The use of false or misleading information in the SUBJECT field of a
6 commercial electronic mail message violates RCW 19.190.030(1)(b). Pursuant to
7 RCW 19.190.030(2), defendant's violation of RCW 19.190.030(1)(b) constitutes a per
8 se violation of the Consumer Protection Act, RCW 19.86.

9
10 4.6 The conduct described above constitutes unfair or deceptive acts or practices in
11 trade or commerce and unfair methods of competition in violation of RCW
12 19.86.020.

13
14 4.7 Defendant's emails also misrepresent or obscure the origin or the transmission
15 path identifying the point of origin of the message or sender. RCW 19.190.030 (1)(a)
16 prohibits a sender from misrepresenting or obscuring any information in identifying
17 the point of origin or the transmission path of a commercial electronic mail
18 message.

19
20 5. CAUSE OF ACTION--INVALID ADDRESS IN FROM FIELD

21 5.1 Plaintiff realleges Paragraphs 4.1 through 4.7 and incorporates them herein as
22 if set forth in full.

23
24 5.2 Electronic mail programs list electronic mail messages by various components in
25 the message header. The common components displayed are: the address in the

FROM field, indicating who the message is from; the content in the SUBJECT field, which describe the content of the message; the address in the TO field, indicating who the message is to.

To read the entire message, the user usually must select that message in some manner and command the electronic mail program to display the entire message.

5.3 The purpose of the FROM field in an electronic mail message is to identify the sender of the electronic mail message. This identification helps the recipient of electronic mail decide which messages have priority for reading. Messages from acquaintances may take precedence over commercial messages. Similarly, messages from business associates may take precedence over commercial messages.

A valid address in the FROM field also provides a means by which the recipient can verify the source of the information or by which to protest the receipt of unsolicited commercial electronic mail messages.

5.4 Defendant's unsolicited electronic mail messages contain invalid addresses in the FROM field in terms of contact information for Defendant. Below, is a list of the "From" fields used by Defendant and/or Defendant's agents:

1. From: account security ivisiondeals@v.ew01.com
2. From: Platinum yourdeals@mydailydeals.net
3. From: USA Platinum wins@winspire.net
4. From: "\$7500 Credit!" credit@mygreatoffers.com
5. From: "7500@Ad-Freedom" ad-freedom@comcast.com
6. From: "Account Openings" Account Openings 20007 pof@reply.freetx.com
7. From: "Account Openings" Help-My-Credit.ijhopq@ijhopq.emza.net

- 1 8. From: "Account Openings" Help-My-Credit.ijhopq@ijhopq.lnk2c.com
- 2 9. From: "Account Openings" itsimazing.552ytgu@552ytgu.emza.net
- 3 10. From: "Account Openings" itsimazing.552ytgu@552ytgu.lnk2c.com
- 4 11. From: "Accounts" Accounts-replyto-1503-958917644@lists.cool-offers.net
- 5 12. From: "Advisory Board" [Advisory Board-](mailto:Advisory Board-14630050@12277.Inbound.netoes.com)
- 6 14630050@12277.Inbound.netoes.com
- 7
- 8 13. From: "Advisory Board" [Advisory Board-](mailto:Advisory Board-14630059@12277.Inbound.netoes.com)
- 9 14630059@12277.Inbound.netoes.com
- 10
- 11 14. From: "Alex" leave-lotsolaughs-6436284C@mail.lotsolaughs.com
- 12 15. From: "All American" AllAmerican@firstclasstelemail.com
- 13 16. From: "All American" AllAmerican@telcomail.com
- 14 17. From: "Approvals" Approvals@bontc.com
- 15 18. From: "Approvals" Approvals@firstclasstelemail.com
- 16 19. From: "Approvals" Approvals@telcomail.com
- 17 20. From: "Card Services Department" CardServicesDepartment@b0ntc.com
- 18 21. From: "Card Services Department" Services@telcomail.com
- 19 22. From: "Congratulations!" credit@mygreatoffers.com
- 20 23. From: "ConsumerInfo.com" consumer info@consumerinfo.rsc02.com
- 21 24. From: "Craig" leave-hopesforthefuture-33280780@hopesforthefuture.com
- 22 25. From: "Credit Approval Officer" tfs@r.aaaabi.com
- 23 26. From: "Credit Approval Officer" tfs@r.vollku.com
- 24 27. From: "Credit Card Approval" support@look4emails.com
- 25

1 28.From: "Credit Department" leave-hopesforthefuture-
2 33280780@hopesforthefuture.com
3 29.From: "Credit Department" sales-alhc@outstandingvalues.com
4 30.From: "Credit Department" sales-axis@outstandingvalues.com
5 31.From: "Credit Department" sales-cckg@outstandingvalues.com
6 32.From: "Credit Department" sales-obfb@outstandingvalues.com
7 33.From: "Credit Department" sales-oule@outstandingvalues.com
8 34.From: "Credit Department" sales-pmpp@outstandingvalues.com
9 35.From: "Credit Department" sales-wako@outstandingvalues.com
10 36.From: "Credit Department" sales-ynow@outstandingvalues.com
11 37.From: "Credit NOW" crednow@isweeps.money.energizing.net
12 38.From: "Credit NOW" crednow@isweeps.money.restful.net
13 39.From: "Credit NOW" internet@internetsweeps.energizing.net
14 40.From: "Credit NOW" isw@breezor.net
15 41.From: "ExceptionalDeals" promotions@firstchoiceinternet.com
16 42.From: "FG4A: Guaranteed* Gold Card!" fg4a@reply.mb00.net
17 43.From: "Gold Card" GoldCard-replyto-476-487183548@lists.herorig.com
18 44.From: "Great Deals" greatdeals@webstakes.com
19 45.From: "Guaranteed Approval" mail33@mail.play4keeps.com
20 46.From: "Issuance Supervisor" Issuance@telcomail.com
21 47.From: "Issuance Supervisor" IssuanceSupervisor@b0ntc.com
22 48.From: "Issuance Supervisor" IssuanceSupervisor@bontc.com
23
24
25